

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION

IN THE MATTER OF:  
**TAMIKO P. MCALMON,**

Debtor(s)

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Case No: B-0982171 C-13D

OBJECTION BY STANDING TRUSTEE TO CONFIRMATION OF PLAN

NOW COMES Richard M. Hutson, II, Standing Trustee (“Trustee”) and respectfully objects to confirmation of the Debtor’s plan pursuant to 11 U.S.C. §1325 and shows unto the Court the following:

1. The Debtor filed a petition under Title 11 of the United States Code, Chapter 13, on December 4, 2009, in the United States Bankruptcy Court for the Middle District of North Carolina.
2. On December 4, 2009, Richard M. Hutson, II, was appointed as Trustee.
3. This Court has proper and personal jurisdiction of the subject matter hereof and over the parties pursuant to 28 U.S.C. §§151, 157 and 1334, and the Standing Order entered by the United States District Court for the Middle District of North Carolina and this is a core proceeding within 28 U.S.C. §157(b).
4. The petition filed by the Debtor proposes a monthly plan payment of \$1,898.00 per month for a period of 60 months. Unsecured creditors will not receive any dividend.
5. The Debtor’s plan provides that the claims of America’s Servicing Company (“ASC”) representing a first and second deed of trust on the Debtor’s real property will be paid as long-term continuing debts pursuant to 11 U.S.C. §1322(b)(5) by disbursements through the Trustee and that any arrearage will be treated as a secured claim and also paid through the Trustee’s office when the claim is timely and properly filed.
6. ASC filed two claims secured by the Debtor’s real property. ASC has asserted ongoing monthly payments of \$1,038.93 on the first mortgage and an arrearage through April of 2010 in the amount of \$19,360.24. Concerning the second mortgage, ASC has asserted ongoing monthly payments of \$256.49 and an arrearage of \$1,815.95 through April of 2010.

7. The Debtor's plan provides that the claim of State Employee's Credit Union ("SECU") secured by a 2003 Mercedes ("the automobile") shall be paid as fully secured in the amount of \$10,036.25 with interest at the rate of 5.25% per annum in equal monthly installments of \$191.00.
8. The Trustee objects to confirmation of the plan in that the Debtor's proposed plan payments are not sufficient to satisfy the long-term debts of ASC, the arrearage claims of ASC, the payments to SECU, and all other secured claims within the 60 month time limit of 11 U.S.C. §1322(d).

WHEREFORE, the Trustee prays the Court for an Order as follows:

1. That the Debtor's plan not be confirmed in that the plan does not comply with 11 U.S.C. §1325 and the case be dismissed for cause pursuant to 11 U.S.C. §1307; or
2. For such other and further relief as the Court may deem just or proper.

This the 16<sup>th</sup> day of March, 2010.

s/Benjamin E. Lovell

Benjamin E. Lovell  
Attorney for the Trustee  
State Bar No: 23266  
P.O. Box 3613  
Durham, N.C. 27702

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing document upon John T. Orcutt, Esq., 6616-203 Six Forks Rd., Raleigh, NC 27615, Tamiko P. McAlmon, 25 Sharpstone Ln. Durham, NC 27703, and Michael D. West, Esq., U.S. Bankruptcy Administrator, PO Box 1828, Greensboro, NC 27402 by depositing a copy of same in the United States Mail, postage prepaid, and in the manner prescribed by Rule 5 of the Federal Rules of Civil Procedure.

This 16th day of March, 2010.

s/Benjamin E. Lovell  
Benjamin E. Lovell, Esq.  
Attorney for the Standing Trustee